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December 5, 2023

**Via ECF**

Hon. Victoria Reznik  
United States District Court for the  
Southern District of New York  
Federal Building and United States Courthouse  
300 Quarropas Street, Room 630  
White Plains, NY 10601

# MEMO ENDORSED

Re: *IBM Corp. v. Micro Focus (US), Inc.*, No. 22 Civ. 9910 (S.D.N.Y.)

Dear Judge Reznik:

We represent Plaintiff IBM Corp. ("IBM") in the above-referenced litigation. We write to request permission to take three depositions after the close of fact discovery: Mr. Witkin (December 19), Mr. Carducci (December 21), and Mr. Cofer (December 28).

By way of background, on July 11, 2023, the Court entered a Civil Case Discovery Plan and Scheduling Order in this case, which set the deadline for the close of fact discovery as December 15, 2023. Dkt. No. 104. In order to accommodate the schedules of the various witnesses who will be deposed, and the counsel who will take and defend those depositions, the parties require an additional two weeks to complete the three depositions noted above. Thus, pursuant to Your Honor's Individual Rules of Practice 1(E), IBM respectfully requests permission to take these three depositions after the close of fact discovery. This is the first such request. IBM has met and conferred with counsel for Micro Focus, and it has agreed to the three depositions above being taken on the dates indicated.


Plaintiffs' request is **GRANTED**.  
The Clerk of Court is directed to  
close out ECF No. 130.

SO ORDERED.

  
Hon. Victoria Reznik, U.S.M.J.

Dated: 12/8/23

Respectfully submitted,

  
Joshua L. Simmons